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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,792	01/10/2005	Aldo Di Nicolantonio	3165	3246

7590  
Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

03/22/2007

EXAMINER
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LEE, LAURA MICHELLE

ART UNIT	PAPER NUMBER
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3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/520,792	DI NICOLANTONIO, ALDO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Laura M. Lee	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/05/2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/09/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 & 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Stiltz (GB 2303532). Stiltz discloses a motor driven compass saw machine (compass saw) having a housing (casing) that contains a longitudinally moving lifer rod (cross-arm

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9), which supports a saw blade (18), and an oscillating mechanism that is able to impart a variable oscillation stroke, which is oriented lateral to the longitudinal motion, to the saw blade (18), wherein means (regular wheel, 11; friction wheel, 27; calipers, 29; scale; 25, etc) is provided for automatically adjusting the oscillation stroke smoothly between the maximum and minimum stroke during the sawing process, as a automatic response to a function of the pressure of the saw blade against a work piece to be sawn.

Although, Stiltz discloses that the regulator wheel (11) enables a continuous adjustment of feed amplitude of the saw blade, depending upon the torque of the motor, or a suitable reference quantity, the reference does not positively discloses that the adjustment of the oscillation stroke is an automatic response to a function of the pressure of the saw blade against a work piece. However, as the crank lever, 19, is free to swivel, the blade, 18, is also not completely restrained in the vertical orientation, such that it is susceptible to forces acting on it by the workpiece. Therefore, the faster the blade engages the workpiece, the more resistance, or force, will be exerted back on the blade. The additional force will push the blade into engagement with the swiveling crank (19), and the blade's movement will be continuously changed in the forward/backward direction as well as the vertical direction, such that the blade's oscillation will also continuously be effected. Stiltz's acknowledgment that the adjustment of feed amplitude of the saw blade depends upon the torque of the motor is a direct reference to changes in the blades movement. As more force is exerted on the blade, more output torque is required by the motor to maintain the cutting speed of the

blade. Therefore, a measurement of motor torque change is a direct indication of the changes in pressure imparted to the blade automatically by the workpiece, by which the blade's oscillation will be effected.

In regards to claim 2, Stiltz discloses that the oscillation mechanism has a roller lever (bell crank lever, 19) that is disposed in the housing (casing) can rotate around a horizontal first axis (as similarly shown by applicant) and supports a roller (guide member, 20) that remains in contact with the saw blade (18) and can rotate around a horizontal second axis (rotational axis), and whose oscillation mechanism has a fork lever (longitudinal arm, 8) that periodically deflects the roller lever (9).

In regards to claim 3, Stiltz discloses that the oscillation mechanism includes a spring element (retaining spring, 16), that is disposed between the housing and the end of the roller lever (9) orientated away from the roller (20) and cooperates with a component (tool holder, 17) parallel to the deflection direction of the fork lever (8).

In regards to claim 4, Stiltz discloses that parallel to the spring element (spring loaded, column 6, lines 4-12), a damping device (front casing wall, 24) is disposed between the housing and the end of the roller lever (19) orientated away from the roller (20).

In regards to claim 5, Stiltz discloses that underneath the roller lever (19), in the region of its end orientated away from the roller (20), a first stop (unnumbered, rectangular holding member) is provided on the housing.

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In regards to claim 6, Stiltz discloses wherein above the roller lever (19), in the region of its end oriented away from the roller (20), a second stop (scale, 25) is provided on the housing.

In regards to claim 9, Stiltz discloses wherein the saw blade (18) is pressed against the roller (20) by a compression spring (16) whose compression spring force is capable of being weaker than a spring force of a spring element.

In regards to claim 10, Stiltz discloses wherein a deflection of the roller lever (19) only occurs if an advancing force of the compass saw machine is greater than the difference between the spring force and the compression spring force.

5. Claims 1- 2 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Pfanzer (U.S. Patent 4,137,632).

Pfanzer discloses a motor driven compass saw machine (jig saw) having a housing (1/4) that contains a longitudinally moving lifter rod (clamp, 25), which supports a saw blade (8), and an oscillating mechanism (2, 9, 5, 26, 18, 21, 25, 8) that is able to impart a variable oscillation stroke, which is oriented lateral to the longitudinal motion, to the saw blade (8), wherein means is provided for automatically adjusting the oscillation stroke smoothly between the maximum and minimum stroke during the sawing process, as an automatic response to a function of the pressure of the saw blade against a work piece to be sawn (column 3, lines 37-53).

It is noted that although Pfanzer discloses that it is possible to continuously adjust the range of the stroke length by shifting the end position of the carrier (24) in the

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region of the cam surface (31) of the hub member, which acts, on the carrier, Pfanzer does not specifically disclose that the stroke oscillation adjustment is automatically adjusted based upon a function of pressure of the saw blade against a work piece to be sawn. However, as shown from the Pfanzer disclosure and figures, it is apparent that Pfanzer oscillation mechanism does function as an automatic response to a function of the pressure of the saw blade against a workpiece. As shown in Figure 1, the carrier member 24 is continuously biased backwards by a spring mechanism, such that under "normal" operating conditions, the orientation of the blade shown remains in the same vertical position. During the operation of the jigsaw, when the blade is utilized to cut through the workpiece, the workpiece will also exert a backwards force on the blade in addition to the force exercised by the spring. As the carrier is not physically restrained from backwards movement, the additional force will further bias the carrier backwards, and the oscillation stroke will change accordingly. Therefore, the pressure experienced by the blade, as a result of being forced against the workpiece will have a direct effect on the oscillation stroke.

In regards to claim 2, Pfanzer discloses that the oscillation mechanism has a roller lever (saw blade holder, 21) that is disposed in the housing (casing) can rotate around a horizontal first axis and supports a roller (bearings, 23) that remains in contact with the saw blade (8) via the holder, 21 and can rotate around a horizontal second axis, and whose oscillation mechanism has a fork lever (spring, 29) that periodically deflects the roller lever (21).

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In regards to claim 6, Pfanzer discloses wherein the roller lever (21), in the region of its end orientated away from the roller (23), a second stop (cam, 31) is provided on the housing.

In regards to claim 7, Pfanzer discloses wherein the second stop can be set to various (radial) distances from the roller lever (23).

In regards to claim 8, Pfanzer discloses wherein the second stop (31) can be set to discrete (radial) distances from the roller lever (23).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Publication 2005/0109137 to Hartmann, U.S. Publication 2002/0170186 to Sakaguchi, U.S. Publication 2002/0056558 to Bongers-Ambrosius et al., U.S. Patent 3,890,708 to Bauer, U.S. Publication 2004/0194986 to Ikuta, U.S. Patent 5,099,705 to Dravnieks, and U.S. Patent 4,545,123 to Hartmann.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Lee whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

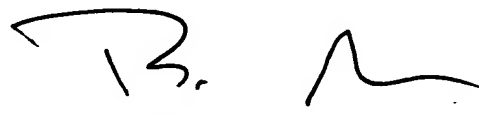
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LML  
03/14/2007



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SUPERVISORY PATENT EXAMINER